

Appl. No. 10/011,014  
Amdt. Dated November 13, 2005  
Reply to Office action of July 10, 2006

**Amendments to the Drawings:**

The attached replacement sheets of drawings include replacements of Figs. 5-18. These sheets replace the original sheets including Figs. 5-18. In Figure 2, to clean up the figures.

**Attachment:** Replacement Sheets.

### ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

In the specification, amendments have been provided to update the serial numbers and/or patent numbers of references that are incorporated by reference.

Claims 3-5 remain in this application. Claims 1-2 and 6-9 have been canceled. New claims 10-22 are added without adding any new matter.

The examiner objects to figures 5-19 for having references numbers that are difficult to ascertain. Replacement drawings have been provided for those figures, with clearer reference numbers, making the objection moot.

Claims 2-5 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Havens (U.S. 5,909,669) in view of Kraftson (U.S. 6,151,581). For the following reasons, the rejection is respectfully traversed.

Claims 2 and 6-9 have been canceled, making their rejections moot.

Claim 4 has been amended to recite a method for evaluating survey information for a medical enterprise with the steps of a user “selecting a measurement option from a list of a plurality of available measurement options displayed on a display device” and “presenting survey assessment results to the user” where the user is provided the capability of “choosing another measurement option from said list of measurement options” which then causes a contemporaneous presenting of updated survey assessment

results by performing said retrieving, performing calculations, and electronically controlling steps with additional portions of said survey data collected in advance.

Accordingly, the displayed information is updated by recalculating results from the previously obtained survey data in real time or near real time. In contrast, the prior art would require that their disclosed systems be reprogrammed in order to update the displayed information. For Example, Havens does not teach any contemporaneous updating of reports based on a user selection, and Kraftson would need the SAS or SPSS packages to be reprogrammed to provide the correct data for the new views to be displayed (see steps 108-112 and col. 5, line 63 to col. 6, line18) . Although a user may be able to select a report for view, as argued by the Examiner, there is no teaching of performing calculations contemporaneously using the survey data in order to update reports based on measurement options chosen by the user. Instead, the reports of Kraftson appear to be merely predefined reports, not calculated contemporaneously. Thus, claim 4 is patentable over the reference.

Claim 4 has also been amended to recite various limitations that are not taught by the prior art. For example, amended claim 4 recites collecting survey information including:

physical assessment data representing physical and/or mental capabilities of said patients, medical outcome data about said patients, clinical process data from said medical enterprise, and cost data about costs of said medical enterprise...

and claim 4 recites that this survey information is used to generate a graphical report presenting at least *four* views for evaluating a medical enterprise, with the at least four

views including: “clinical outcome graphical information”, “functional outcome graphical information”, “satisfaction outcome graphical information”, and “cost outcome graphical information”. The prior art fails to show any capability of showing all four of these views in a graphical format. In particular, Havens does not show any graphical information, and it fails to show any reports related to medical patients. Instead, Havens is focused on *employee* productivity and assessment. Similarly, Kraftson appears to be primarily focused on medical patient *satisfaction*, but does not appear to include information related to patient functional abilities, for example.

Accordingly, claim 1 is patentable over the references for this reason as well. Claims 3, 5, and 10-16, which depend, directly or indirectly, upon claim 4 are thus patentable for at least the same reasons as claim 4.

New claim 18 recites a system for performing the method of claim 4, and thus is patentable over the reference for similar reasons as claim 4, Claims 19-22, which depend, directly or indirectly, upon claim 18, are thus patentable over the reference for at least the same reasons.

Furthermore, new claim 17 recites a method for evaluating survey information of a business enterprise against a plurality of enterprises, where this method provides a displayed graphical report presenting “at least four views for evaluating said business enterprise against said plurality of enterprises”. None of the references suggest evaluating an enterprise against a plurality of other enterprises, and thus this claim is patentable over the references. Furthermore, the claim also recites features of a user choosing another measurement option, which in turn leads to updated calculations, and thus this claim is patentable over the references for this reason as well.

Finally, as argued in the response to the prior action, the Examiner has not provided the proper motivation for combining the references for the reasons discussed in that response. Accordingly, the rejections for obviousness are not supported by the Office action and thus the rejection is improper, and should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33033US1.

Respectfully submitted,  
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